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**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:10-cv-05149-PAE -KNF**

Carlson v. Department of Justice  
Assigned to: Judge Paul A. Engelmayer  
Referred to: Magistrate Judge Kevin Nathaniel Fox  
Cause: 05:552 Right to Privacy Act

Date Filed: 07/06/2010  
Date Terminated: 03/20/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Daniel Raymond Carlson**

represented by **Daniel Raymond Carlson**  
P.O. Box 4753  
Sunnyside, NY 11104  
PRO SE

V.

**Defendant**

**Department of Justice**

represented by **Cristine Irvin Phillips**  
United States Attorney Office  
Southern District of New York  
86 Chambers Street  
3rd Floor  
New York, NY 10007  
(212) 637-2696  
Fax: (212) 637-2702  
Email: [cristine.phillips@usdoj.gov](mailto:cristine.phillips@usdoj.gov)  
**LEAD ATTORNEY**

Date Filed	#	Docket Text
07/06/2010	<a href="#">1</a>	ENDORSEMENT on Declaration in Support of Request to Proceed In Forma Pauperis, I.F.P. REQUEST IS GRANTED. (Signed by Judge Loretta A. Preska on 7/2/2010) (mbe) (Entered: 07/08/2010)
07/06/2010	<a href="#">2</a>	COMPLAINT against Department of Justice. Document filed by Daniel Raymond Carlson.(mbe) (Entered: 07/08/2010)
07/06/2010		SUMMONS ISSUED as to Department of Justice, U.S. Attorney and U.S. Attorney General. (mbe) (Entered: 07/08/2010)
07/06/2010		Magistrate Judge Kevin N. Fox is so designated. (mbe) (Entered: 07/08/2010)
07/12/2010	<a href="#">3</a>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement) and Dispositive Motion (i.e., motion requiring a Report and Recommendation). Referred to Magistrate Judge Kevin Nathaniel Fox. (Signed by Judge Paul A. Crotty on 7/12/2010) Copies Mailed By Chambers.(tro) (Entered: 07/12/2010)
08/16/2010	<a href="#">4</a>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Complaint served. Department of Justice served on 8/2/2010, answer due 10/1/2010. Service was accepted by Ms. L. Ahearn by certified mail. Document filed by Daniel Raymond Carlson. (mro) (Entered: 08/25/2010)
09/03/2010	<a href="#">5</a>	ENDORSED LETTER addressed to Judge Paul A. Crotty from Cristine Irvin Phillips dated 8/31/10 re: Government request an additional thirty days to answer or otherwise respond to the complaint. ENDORSEMENT: Answer now due on October 1, 2010. (Signed by Judge Paul A. Crotty on 9/3/10) (sac) (Entered: 09/03/2010)
10/01/2010	<a href="#">6</a>	ANSWER to Complaint. Document filed by Department of Justice.(mbe) (Entered: 10/04/2010)
10/05/2010	<a href="#">7</a>	ORDER: Initial Conference set for 10/20/2010 at 11:00 AM in Courtroom 20A, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Kevin Nathaniel Fox. (Signed by Magistrate Judge Kevin Nathaniel Fox on 10/4/2010) Copies Mailed By Chambers. (jpo) (Entered: 10/05/2010)
10/18/2010	<a href="#">8</a>	ORDER 10/20/10 Initial Conference reset for 10/25/2010 at 11:30 AM before Magistrate Judge Kevin Nathaniel Fox. (Signed by Magistrate Judge Kevin Nathaniel Fox on 10/18/10) Copies Mailed By Chambers. (cd) (Entered: 10/18/2010)

10/25/2010	<a href="#">10</a>	APPLICATION for the Court to Request Counsel. Document filed by Daniel Raymond Carlson.(mro) (Entered: 10/29/2010)
10/25/2010		Minute Entry for proceedings held before Magistrate Judge Kevin Nathaniel Fox: Initial Pretrial Conference held on 10/25/2010. Summary judgment motions due 11/15/10. Response due 12/13/10. Reply due 12/27/10. (mro) (Entered: 10/29/2010)
10/27/2010	<a href="#">9</a>	ORDER. IT IS HEREBY ORDERED that: 1. on or before November 15, 2010, the defendant shall serve and file its summary judgment motion; 2. on or before December 13, 2010, the plaintiff shall serve and file his response to the motion; and 3. on or before December 27, 2010, the defendant shall serve and file its reply. The plaintiff may contact the Pro Se Office for this judicial district for any procedural assistance he may require. That office is located at 500 Pearl Street, Room 230, New York, New York 10007. The telephone number for that office is (212) 805-0175. (Summary Judgment Motions due by 11/15/2010. Responses due by 12/13/2010. Replies due by 12/27/2010.) (Signed by Magistrate Judge Kevin Nathaniel Fox on 10/26/10) Copies Mailed By Chambers. (rjm) (Entered: 10/27/2010)
11/15/2010	11	MOTION for Summary Judgment pursuant to Rule 56 of the FRCP. Document filed by Department of Justice. (Received in the night deposit box on 11/15/10 at 6:16pm) (mro) (Entered: 11/17/2010)
11/15/2010	12	MEMORANDUM OF LAW in Support re: 11 MOTION for Summary Judgment. Document filed by Department of Justice. (Received in the night deposit box on 11/15/10 at 6:16pm) (mro) (Entered: 11/17/2010)
11/15/2010	13	DECLARATION of David M. Hardy in Support re: 11 MOTION for Summary Judgment. Document filed by Department of Justice. (mro) (Entered: 11/17/2010)
11/15/2010	14	NOTICE TO PRO SE LITIGANT WHO OPPOSES A MOTION FOR SUMMARY JUDGMENT. Document filed by Department of Justice. (Received in the night deposit box on 11/15/10 at 6:16pm) (mro) (Entered: 11/17/2010)
12/07/2010	<a href="#">15</a>	MEMORANDUM OF LAW in Opposition re: 11 MOTION for Summary Judgment., AFFIRMATION of Daniel Raymond Carlson. Document filed by Daniel Raymond Carlson. (Attachments: # <a href="#">1</a> Part 2)(mbe) (Entered: 12/08/2010)
12/27/2010	16	REPLY MEMORANDUM OF LAW in Further Support re: 11 MOTION for Summary Judgment. Received in night deposit box on 12/27/10 at 8:11 pm. Document filed by Department of Justice. (db) (Entered: 12/29/2010)
12/29/2010	17	DECLARATION of Catherine Gonzalez-Gallego. Received in night deposit box on 12/27/10 at 8:11 pm. (db) (Entered: 12/29/2010)

07/21/2011	<a href="#">18</a>	REPORT AND RECOMMENDATIONS, I recommend that DOJ's motion for summary judgment be denied re: 11 MOTION for Summary Judgment, filed by Department of Justice. Objections to R&R due by 8/8/2011. (Signed by Magistrate Judge Kevin Nathaniel Fox on 7/21/11) Copies Mailed By Chambers. (cd) (Entered: 07/22/2011)
07/21/2011	<a href="#">19</a>	MEMORANDUM AND ORDER denying <a href="#">10</a> Application for the Court to Request Counsel. (Signed by Magistrate Judge Kevin Nathaniel Fox on 7/21/11) Copies Mailed By Chambers. (cd) (Entered: 07/22/2011)
08/05/2011	20	MEMORANDUM OF LAW in Support of Defendant's Objection to 7/21/2011 Report and Recommendation. Document filed by Department of Justice. (mbe) (Entered: 08/08/2011)
08/17/2011	<a href="#">21</a>	ORDER terminating 11 Motion for Summary Judgment. The Court modifies Magistrate Judge Fox's recommendation. The Clerk of Court is directed to terminate the pending motion, No. 11. The Department of Justice is directed to re-file is motion, Local Civil Rule 56.1 statement, copies of Federal Rule of Civil Procedure 56 and Local Civil Rule 56.1, and any other properly submitted papers by 9/9/2011. The reference to Magistrate Judge Fox continues. (Signed by Judge Paul A. Crotty on 8/17/2011) (ft) (Entered: 08/17/2011)
08/17/2011		Set/Reset Deadlines: Motion due by 9/9/2011. (ft) (Entered: 08/17/2011)
09/09/2011	23	MOTION for Summary Judgment pursuant to Rule 56 of the FCRP. Document filed by Department of Justice. (Received in the night deposit box on 9/9/11 at 5:28 pm) (mro) (Entered: 09/15/2011)
09/09/2011	24	MEMORANDUM OF LAW in Support re: 23 MOTION for Summary Judgment. Document filed by Department of Justice. (Received in the night deposit box on 9/9/11 at 5:28 pm) (mro) (Entered: 09/15/2011)
09/09/2011	25	DEFENDANT'S STATEMENT OF UNDISPUTED MATERIAL FACTS PURSUANT TO LOCAL CIVIL RULE 56.1. Document filed by Department of Justice. (Received in the night deposit box on 9/9/11 at 5:28 pm) (mro) (Entered: 09/15/2011)
09/09/2011	31	NOTICE to Pro Se Litigant Who Opposes a Motion for Summary Judgment. Document filed by Department of Justice. (ae) (Entered: 10/03/2011)
09/09/2011	33	DECLARATION of Catherine Gonzalez-Gallego (Duplicate Original). Document filed by Department of Justice. (mro) (Entered: 11/22/2011)
09/09/2011	34	DECLARATION of David M. Hardy (Duplicate Original). Document filed by Department of Justice. (mro) (Entered: 11/22/2011)

09/29/2011	<a href="#">29</a>	ENDORSED LETTER addressed to Judge Paul A. Crotty from Daniel Raymond Carlson dated August 22, 2011 re: reconsideration of Magistrate Judge Fox's Memorandum and Order denying my request for an appointment of counsel. ENDORSEMENT: Deeming this to be a motion for reconsideration of Magistrate Judge Fox's decision, it is DENIED. The Magistrate Judge's Memorandum and Order, dated July 21, 2011, is a correct statement of the law. So Ordered. (Signed by Judge Paul A. Crotty on September 29, 2011) (mov) (Entered: 09/29/2011)
09/30/2011	<a href="#">30</a>	NOTICE OF CASE REASSIGNMENT to Judge Paul A. Engelmayer. Judge Paul A. Crotty is no longer assigned to the case. (sjo) (Entered: 09/30/2011)
09/30/2011		Mailed notice re: <a href="#">30</a> Notice of Case Assignment/Reassignment to the attorney(s) of record. (sjo) (Entered: 09/30/2011)
11/07/2011	<a href="#">32</a>	MEMORANDUM OF LAW AND DECLARATION in Opposition re: 23 MOTION for Summary Judgment. Document filed by Daniel Raymond Carlson. (pl) (Entered: 11/08/2011)
11/18/2011	35	REPLY MEMORANDUM OF LAW in Further Support re: 23 MOTION for Summary Judgment. Document filed by Department of Justice. (lmb) (Entered: 11/22/2011)
01/18/2012	<a href="#">37</a>	REPORT AND RECOMMENDATION. For the foregoing reasons, I recommend that the defendant's motion for summary judgment, Docket Entry No. 23, be granted. Objections to R&R due by 2/6/2012 (Signed by Magistrate Judge Kevin Nathaniel Fox on 1/18/2012) Copies Mailed By Chambers. (rjm) (Entered: 01/19/2012)
03/19/2012	<a href="#">38</a>	ORDER ADOPTING REPORT & RECOMMENDATION re: <a href="#">37</a> Report and Recommendations, 23 Motion for Summary Judgment filed by Department of Justice. For the foregoing reasons, the Court adopts the R&R (Dkt. 37) in its entirety. The Clerk of Court is directed to terminate the motion at docket number 23 and to close this case. (Signed by Judge Paul A. Engelmayer on 3/19/2012) (mro) (Entered: 03/19/2012)
03/19/2012		Transmission to Judgments and Orders Clerk. Transmitted re: <a href="#">38</a> Order Adopting Report and Recommendations, to the Judgments and Orders Clerk. (mro) (Entered: 03/19/2012)
03/20/2012	<a href="#">39</a>	CLERK'S JUDGMENT That for the reasons stated in the Court's Order dated March 19, 2012, the report is adopted in its entirety; accordingly, defendant's motion for summary judgment is granted, and Carlsons Complaint is dismissed, and the case is closed. (Signed by Clerk of Court Ruby Krajick on 3/20/12) (Attachments: # <a href="#">1</a> notice of right to appeal)(ml) (Entered: 03/20/2012)
03/20/2012		Transmission to Docket Assistant Clerk. Transmitted re: <a href="#">39</a> Clerk's Judgment,, to the

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